

Where to now for the Sri Lankan asylum seekers?

06-Mar-2007

By Georgina Pike

Published in Eureka Street

While the Howard government weighs up how it will choose to respond to the boatload of men, including 83 Sri Lankan asylum seekers, now being held on Christmas Island, it is time to remember that firstly, these are vulnerable people in precarious circumstances and secondly, they have fled from extreme danger.

Sri Lanka has been embroiled in twenty-four years of civil war. A short period of relative peace from 2001 was broken when disputes as to how post-Tsunami money was being distributed in Tamil controlled areas arose. This violence escalated during 2005 and 2006, accompanied by increasing persecution of the Tamil minority, especially in the North and East. This was the assessment of UNHCR in December 2006: "Harassment, intimidation, arrest, detention, torture, abduction and killing at the hands of government forces, the LTTE and paramilitary or armed groups are frequently reported to be inflicted on Tamils from the North and East."

This assessment has led the UNHCR to strongly recommend that asylum claims of Sri Lankan Tamils, especially those from the North and East of the country, be considered favourably. Sri Lankan Tamils are threatened both from government forces who assume they are rebels and by the separatist Liberation Tigers of Tamil Eelam (LTTE) who practice forced conscription. UNHCR has stated that Tamils from the north and east are subject to "targeted violations of their human rights from all parties to the armed conflict".

Additionally, UNHCR has reported risks to Muslims in high conflict areas of forced displacement, threats and killings as they are perceived to be either government informers or opposed to the LTTE.

While all groups are being caught in generalized violence, especially in the areas of intense violence in the north and east, there is particular targeting of individual groups that would found a claim for protection under the 1951 Refugee Convention.

Statements from the Australian government indicate that this is a position it would largely agree with. The Department of Foreign Affairs (DFAT) has revised its travel warnings to strongly encourage Australians not to travel to the north or east of Sri Lanka and to reconsider the need travel to any part of the country. DFAT warns that "there has been a significant escalation in the number of serious incidents of politically motivated violence" in Sri Lanka. After detailing a number of incidents in which civilians were killed, the advisory warns that "attacks could occur at any time, anywhere in Sri Lanka".

So that much is clear – the 83 Sri Lankan men on Christmas Island have fled from danger and should not be returned to danger.

Another option entertained by the Howard government is that the men be returned to their most immediate prior location – in this case, Indonesia. With revelations reported in the *Sydney Morning Herald* that Indonesian officials would be willing to send the asylum seekers back to Sri Lanka before assessing their protection claims, this is an obviously untenable course of action. It would mean a mere stopover on the route back to persecution.

Furthermore, the stated unwillingness from Indonesia to institute UNHCR standard refugee status determination proceedings has exposed the lie that Indonesia is a safe place for refugees. It has exposed the lie that there is an orderly 'queue' in Indonesia that offers refugees the opportunity to eventually reach a long term solution to their plight.

It is a lie that does not carry much weight with the more than 250 Afghani and Iraqi asylum seekers waiting indefinitely on the island of Lombok in Indonesia, after being turned back from Ashmore Reef by the Australian Navy in October 2001. While it is unsafe to return them to their homelands and while many have been recognised as refugees, Indonesia will not offer them local integration, nor has Australia offered to resettle them. They were returned to Indonesia and told to wait. It has been more than five years – how much longer must they wait?

I would not, for a moment, suggest that people smugglers and unseaworthy vessels are desirable alternative solutions. However, the choice between turning boats around and allowing people smugglers free access to our shores is a false choice. There are other choices. The Australian government must concentrate its diplomatic efforts and resources on encouraging Indonesia to sign on to the Refugees Convention, on pressuring them to establish a domestic refugee status determination system and on offering aid, knowledge and training towards their efforts to protect refugees in Indonesia. Australia must work towards giving those refugees who have languished in camps and urban slums in Thailand, Malaysia and Indonesia for decades, real and durable options. Then, an alternative that both protects vulnerable people and achieves Australia's aim of securing its borders might be found.

Georgina Pike

Information and Advocacy Officer, the Jesuit Refugee Service Australia